

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

CHIEF CLERKS OFFICE

2007 AUG 31 PM 1:19

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

August 31, 2007

LaDonna Castañuela  
Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Executive Director's Response to Sam R. Dillon dba Sam's Produce Farm's Exceptions to the Administrative Law Judge's Proposal for Decision  
*Executive Director of the Texas Commission on Environmental Quality v. Sam R. Dillon dba Sam's Produce Farm*  
SOAH Docket No. 582-07-1206; TCEQ Docket No. 2004-0639-PST-E

Dear Ms. Castañuela:

Enclosed for filing is the original and eleven copies of the "Executive Director's Response to Sam R. Dillon dba Sam's Produce Farm's Exceptions to the Administrative Law Judge's Proposal for Decision."

If you have any questions or comments, please call me at (210) 403-4016.

Sincerely,

A handwritten signature in cursive script, appearing to read "Xavier Guerra".

Xavier Guerra  
Attorney  
Litigation Division

Enclosure

cc: Mr. Sam R. Dillon, Owner, Sam's Produce Farm, P.O. Box 254, Timpson, Texas 75975  
Ms. Rebecca Clausewitz, Enforcement Division, TCEQ, MC R-13  
Mr. Derek Eades, Waste Section Manager, TCEQ, MC R-10  
Mr. Blas Coy, Public Interest Counsel, TCEQ, MC 103

SOAH DOCKET NO. 582-07-1206  
TCEQ DOCKET NO. 2004-0639-PST-E

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EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
PETITIONER

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BEFORE THE STATE OFFICE

CHIEF CLERKS OFFICE

VS.

OF

SAM R. DILLON DBA SAM'S  
PRODUCE FARM,  
RESPONDENT

ADMINISTRATIVE HEARINGS

**THE EXECUTIVE DIRECTOR'S RESPONSE TO SAM R. DILLON DBA SAM'S  
PRODUCE FARM'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S  
PROPOSAL FOR DECISION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"), by and through a representative of the Litigation Division, and files this his Response to Sam R. Dillon dba Sam's Produce Farm's Exceptions to the Administrative Law Judge's Proposal for Decision. In support thereof, the Executive Director would show that Mr. Dillon has not provided exceptions to the Administrative Law Judge's Proposal for Decision, but has rather put forth arguments that Mr. Dillon could have made at the evidentiary hearing if Mr. Dillon had appeared. The information provided by Mr. Dillon does not request or suggest any changes to the Proposal for Decision nor does the information contain legal arguments to refute the Administrative Law Judge's recommendation that the Commission enter a default order against Mr. Dillon, deem as true the facts alleged by the Executive Director, and assess the requested penalty against and require certain corrective actions by Mr. Dillon.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Executive Director submits his Response to Sam R. Dillon dba Sam's Produce Farm's Exceptions, as more fully set forth above, and respectfully requests that each of Mr. Dillon's exceptions be denied.

Respectfully Submitted,

Texas Commission on Environmental Quality

Glenn Shankle  
Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Mary R. Risner, Director  
Litigation Division



By:

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Xavier Guerra  
State Bar of Texas No. 24027359  
Litigation Division, MC R-13  
14250 Judson Road  
San Antonio, Texas 78233-4480  
Telephone: (210) 403-4016  
Fax: (210) 545-4329

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of August, 2007, an original and eleven (11) copies of the foregoing The Executive Director's Response to Sam R. Dillon dba Sam's Produce Farm's Exceptions to the Administrative Law Judge's Proposal for Decision was filed with the Chief Clerk of the Texas Commission on Environmental Quality.

I further certify that on this day a true and correct copy of the foregoing The Executive Director's Response to Sam R. Dillon dba Sam's Produce Farm's Exceptions to the Administrative Law Judge's Proposal for Decision was mailed to the following persons by the method(s) indicated:

The Honorable Roy G. Scudday  
Administrative Law Judge  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, Texas 78711-3025

**Via Facsimile and U.S. First Class Mail**  
**Facsimile: (512) 936-0730**

Mr. Sam R. Dillon, Owner  
Sam's Produce Farm  
P.O. Box 254  
Timpson, Texas 75975

**Via Certified Mail, Return Receipt**  
**Requested, Article Number 7004 2510 0003**  
**9122 4833 and U.S. First Class Mail**

Mr. Blas Coy  
Office of the Public Interest Counsel, MC 103  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**Hand Delivery**



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Xavier Guerra  
Attorney  
Litigation Division  
Texas Commission on Environmental Quality

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